

REMARKS

Claims 1-13 are pending. No amendments have been made by way of the present submission, thus, no new matter has been added.

ISSUES UNDER 35 U.S.C. §121

In the outstanding Office Action the Examiner has required Applicants to elect one of the following two groups pursuant to 35 U.S.C. §121

I. Claims 1-10, drawn to polymer and a resist composition comprising the polymer;
and

II. Claims 11-13, drawn to a process for forming a resist pattern.

Applicants respectfully traverse. Applicants respectfully submit that there exists no undue burden of search and/or consideration on the part of the Examiner to search and consider all claims in their entirety. However, in order to be fully responsive in the outstanding Office Action, Applicants hereby elect Group I, directed toward claims 1-10. This is an election with traverse.

Further, Applicants hereby reserve the right to have claims 11-13 of Group II, rejoined to the extent that they relate to process of using an ultimately allowable product.

Favorable actions on the merits is respectfully solicited. If the Examiner has any questions or comments, please contact Craig A. McRobbie, Registration No. 42,874 at offices of Birch, Stewart, Kolasch & Birch, LLP.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for

any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: October 18, 2005

Respectfully submitted,

By  #41.874

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